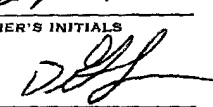


FROM Approved For Release 2002/01/02 : CIA-RDP77M00144R000800070090-1 Central Intelligence Agency		77-111111 NO. <b>0013814</b>	
Washington, D. C. 20505		DATE 27 Jan 75	
TO: <del>James H. Brown</del> Asst Director for Legislative Reference Office of Management and Budget Washington, D. C. 20503		TYPE OF MATERIAL ENVELOPE (S) PACKAGE (S) OTHER	
LOG DATA Letter on H.R. 2635		DATE AND TIME OF PICK-UP 6/27 1415 COURIER'S INITIALS 	
		ORIGINATING OFFICE LOG 2	

22 JAN 75

Mr. James M. Frey, Assistant Director  
for Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503

Attention: Mr. William V. Skidmore

Dear Mr. Skidmore:

This is in response to your request for the views of the Central Intelligence Agency on H. R. 2635, "To amend the Privacy Act of 1974." The bill would alter section 3(d)(2)(B)(i) of the Act, regarding an individual's right to correct personal information held by Government agencies, and would also strike section 3(j)(1). This section authorizes the Director of Central Intelligence to promulgate rules exempting any system of CIA records from certain requirements of the Act. I will confine my comments to the proposed deletion of this partial CIA exemption.

In drafting the Privacy Act, Congress recognized that "certain areas of Federal records are of such a highly sensitive nature that they must be exempted" (House Report 93-1416). Accordingly, Congress exempted systems of records "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy" [subsection (k)(1)], and Central Intelligence Agency records [subsection (j)(1)] from portions of the Act. Sections of the Act which do apply to this Agency restrict the dissemination of records to those for specific enumerated purposes, require it to maintain a listing of each disclosure of a record for at least five years, and publish annually in the Federal Register a general description of our systems of records concerning American citizens or permanent resident aliens.

The basic mission of this Agency is to provide our nation's policy-makers with the best possible intelligence on foreign developments and threats. The system of records established in the Agency is designed to support this mission. Our ability to provide accurate and current intelligence to the President, the National Security Council, and to the Congress depends heavily upon the acquisition and maintenance of productive sources and effective methods of collection and analysis. Preservation of these sources and methods is absolutely dependent on their secrecy. Technical collection efforts can often be easily nullified if the target country is aware of the collection effort. And, of course, human sources will refuse further cooperation if they believe there is a substantial danger that their cooperation will be revealed. I believe



it was because of this essential secrecy that Congress, in the National Security Act of 1947, as amended (50 U.S.C. 403) directed that:

"The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

Although some CIA information can be protected by the section (k)(1) exemption for national defense or foreign policy information, this exemption would not fully protect Intelligence Sources and Methods information contained in the Agency's system of records. An intelligence document can reveal sources and methods and warrant protection even though the substantive information conveyed does not jeopardize the national defense or foreign policy. An example may help explain this. A and B, U. S. citizens, attend a scientific conference abroad of foreign intelligence interest to the United States. A voluntarily provides the Agency confidential information on the conference and includes information concerning B, or a foreign asset reports on the conference and includes information on A and B. Disclosure to B of the information about him in many cases would reveal A or the foreign asset as the confidential source of the information.

In summary, H. R. 2635, by striking the Agency's exemption from certain requirements of the Privacy Act, would jeopardize the Intelligence Sources and Methods which are vital to the Agency's ability to fulfill its unique mission. I must, therefore, oppose the bill.

Sincerely,

SIGNED

George L. Cary  
Legislative Counsel

Distribution:

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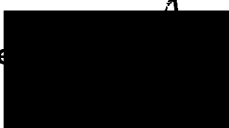
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OLC: DFM:cg (19 Jun 75)

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Approved  002/01/02 : CIA-RDP77M00144R000800070090-1

TO MR. CARY

FROM: Don

DATE 20 Jun 75

SUBJECT:

SUSPENSE DATE 27 June  
(telephonically extended from 9 June)



Agency response to OMB on H.R. 2635 - Mrs ABZUG'S BILL TO STRIKE THE CIA EXEMPTION FROM THE PRIVACY ACT.

NOTE:

The Committee asked the Department of Justice for their views on this bill and OMB asked us for our views before clearing Justice's report. I imagine Justice was asked because of the first provision of the Act rather than because of the CIA exemption. Pat reviewed the letter and suggested that I include a section on the court review provisions of the Act to which the Agency would become subject if the exemption were stricken; however, I was reluctant to discuss each section of the Act and what its effect would be on the Agency because I think it preferable to take a strong overall stand and not do a section-by-section analysis of the impact of the Act. I am afraid that would be impetus to remove the CIA exemption for those provisions we might be able to live with and only maintain it for the really onerous ones.

*OK Sent*

COORDINATED WITH (list names as well as offices):

Pat	OLC
Name	Office
	OGC
Name	Office
 (writing Privacy regulations for DDA)	DDA
Name	Office

25X1A

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ACTION REQUIRED BY GLC: Approve and sign letter